

REMARKS

Examiner's Interview

The applicants gratefully acknowledge the telephonic Examiner's Interview held between the Examiner and the undersigned on August 9, 2007. The issue of the benefit of priority to provisional application serial no. 60/358,580, filed February 20, 2002, was discussed with respect to recitation of "siNA" and possible deletion of that term. The Examiner indicated that deletion of the term would overcome the denial of priority to the '580 provisional application. No agreement was reached as to the final form of allowable claims, however.

The Priority Claim

The entitlement to the priority claim to the '580 provisional application was denied because the term "siNA" was asserted to be not supported. The applicants traverse, but solely to expedite prosecution and without acquiescing to the Examiner's contentions, the applicants have nevertheless amended the claims to recite "siRNA." This term is found throughout the '580 provisional application, such as, for example, on p. 3, ll. 15-17: "Specifically, the instant invention features chemically modified synthetic short interfering RNA (siRNA) molecules capable of modulating gene expression in cells by RNA interference (RNAi)." In view of this amendment, the applicants respectfully submit that the claims are entitled to the benefit of the '580 application and its February 20, 2002, filing date.

Rejection of claims under 35 U.S.C. § 103

The claims remain rejected as obvious over GenBank Accession Number AF100308, in view of Hamasaki et al. (FEBS Letters, 2003 Vol. 354 :51-54), Braasch et al. (Biochemistry, 2003 Vol. 42 :7967-7975), Elbashir et al., Matulic-Adamic et al. (US Patent No. 5,998,203), and/or Parrish et al.. For the following reasons, the applicants respectfully traverse.

As the present application is now entitled to the priority date of February 20, 2002, neither Hamasaki et al. (FEBS Letters, 2003 Vol. 354 :51-54) nor Braasch et al. (Biochemistry, 2003 Vol. 42 :7967-7975), at least, is prior art to the present application. While there are other reasons this obviousness rejection should be withdrawn, this reason by itself is sufficient. The applicants maintain that the instant claims are not obvious in view of the references regardless how the claim term "about 100 percent" in claim 1 is construed. Accordingly, the applicants need not and do not address the Office's other assertions (such as those concerning the

construction of claim 1 on pages 10-11 of the October 24, 2006, Office Action), and/or interpretations of the cited references (such as those presented on pages 11-13 of that Office Action), and not doing so is not acquiescence to their veracity, and should not be construed as such.

In view of the foregoing amendments and remarks, the applicants submit that the claims are in condition for allowance, which is respectfully solicited. If the examiner believes a teleconference will advance prosecution, she is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

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